

December 5, 2008

Timothy J. Froggatt
352 Winnisimet Drive
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief; Map 1-7, Block/Plat 179, Card/Lot 73

Dear Mr. Froggatt:

The following is the decision on your petition heard by the Zoning Board of Review (the "Board") on December 3, 2008 for a variance from Article V, Section 1 of the Tiverton Zoning Ordinance to construct a garage with storage space on property located at 352 Winnisimet Drive, Tiverton, Rhode Island, at Map 1-7, Block/Plat 179, Lot 73 (the "Premises"), closer to the side and rear yard setbacks than is currently allowed in an R80 zone.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contains approximately 1.72 acres of land area, more or less, zoned R80.
2. That the petitioner desires to construct a new garage with storage space that is large in size and located in the required side and rear yard setbacks.
3. The petitioner testified that the proposed garage was needed because he had converted the pre-existing garage into living space and needed vehicle and equipment storage space.
4. The petitioner also testified that he selected the location of the proposed garage because it provided convenient access to the mudroom of the dwelling located on the Premises.
5. No other facts or evidence were offered by the petitioner in support of his application for zoning relief.
6. Several objectors were present, who all testified that the proposed new garage was too large for the area, could be located elsewhere on the Premises and comply with the zoning setback requirements, was not compatible with the existing development, would devalue their property values, would cause or worsen surface water runoff problems in the area and that the relief sought was not the least relief necessary.
7. The Board concurred with the factual statements and opinions of the objectors, whose information, analysis and conclusions were found credible and are made a part of the record. The Board did not find the petitioner's testimony and

conclusions offered sufficient evidence to show his compliance with the standards of relief necessary to justify the issuance of a variance.

Based on the foregoing, the Board voted unanimously to deny the petitioner's application for a variance, as follows:

- a. Special conditions and circumstances do not exist which are special and peculiar to the land or structure involved, and which are applicable to other lands or structures in the same zoning district, and are due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would not result in an unnecessary hardship on the petitioner.
- c. The unnecessary hardship, which the petitioner seeks to avoid, has been imposed by prior action of the petitioner and is based purely for monetary gain or loss.
- d. The granting of the requested variance will alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is not the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.
- g. That the hardship that will be suffered by the petitioner of the subject property if the dimensional variance is not granted does not amount to more than a mere inconvenience.

This decision must be recorded in the Land Evidence Records in the Town Clerk's Office. (Please note that the appeal period (20 days) begins when this decision is recorded and posted with the Town Clerk's Office).

Sincerely,

David Collins, Chairman
Tiverton Zoning Board of Review